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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Jun 20, 2024

SEAN F. MCVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

TIFFANY H.,<sup>1</sup>

Plaintiff,

vs.

MARTIN O'MALLEY,  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 1:23-cv-03203-RHW

**ORDER GRANTING  
STIPULATED MOTION FOR  
REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C. §  
405(g) AND CLOSING FILE**

**ECF Nos. 8, 10**

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 10, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney Victoria Chhagan represents Plaintiff. Attorney Fracno Becia represents Defendant.

<sup>1</sup> To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 After consideration, **IT IS HEREBY ORDERED** that:

2 1. The parties' Stipulated Motion for Remand, **ECF No. 10**, is **GRANTED**.

3 2. The above-captioned case be **REVERSED** and **REMANDED** to the

4 Commissioner of Social Security for further administrative proceeding pursuant to

5 sentence four of 42 U.S.C. § 405(g).

6 The parties have stipulated to the following instructions. On remand, the

7 Appeals Council will instruct the ALJ to:

8 • Re-evaluate Plaintiff's symptom allegations, including, but not limited  
9 to allegations of headaches and widespread pain, consistent with 20  
10 C.F.R. § 404.1529 and SSR 16-3p.

11 • Re-evaluate all of the medical opinion evidence and prior  
12 administrative medical findings in the record;

13 • Offer Plaintiff the opportunity to submit additional evidence in  
14 support of her claim and an opportunity for a new hearing;

15 • Further develop the administrative record as necessary; and  
16 • Issue a new decision.

17 *See* ECF No. 10 at 2.

18 3. Judgment shall be entered for **PLAINTIFF**.

19 4. Plaintiff's Motion for Summary Judgment, **ECF No. 8**, is

20 **STRICKEN AS MOOT**.

5. Upon proper presentation, this Court consider Plaintiff's application for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

The District Court Executive is directed to enter this Order, **enter Judgment in favor of Plaintiff**, forward copies to counsel, and **CLOSE THE FILE**.

DATED June 20, 2024.

s/Robert H. Whaley  
ROBERT H. WHALEY  
Senior United States District Judge